IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1487/06

Shri.Raju Ajinath Phulaware .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.Vijay Killedar Adv. for the applicant.
Shri.Y.S. Shinde APP for the State.

CORAM : V.M. KANADE, J.
DATED : 28/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.98/2005 registered with Bhor Police Station, Jaisingpur, for the offences punishable U/s.395 and 412 of IPC. The chargesheet has been filed. Other co-accused have been released on bail. The applicant's name was not mentioned in the F.I.R. The recovery in respect of muddemal has been done at the instance of the applicant during the course of investigation of another offence which was registered at Chatushrungi Police Station. Since that is the only evidence against the present applicant and even otherwise he

was not identified in the test identification parade, in my view, this is a fit case for grant of bail.

3. Therefore, in my view, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The applicant shall report to the Bhor Police Station, Jaisingpur once in a month.

4. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

5. The Trial Court shall not be influenced by any observations made by this Court while deciding the application and they shall not be construed as an expression of opinion on merits of the case and it shall decide the case on its own merit and in accordance with law.

6. The application is accordingly disposed of.

V.M. KANADE J.